IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6200 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VAJESINH SANABHAI CHAUHAN - Petitioner(s)

Versus

G.S.R.T. & 2 - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.
MR YOGESH S LAKHANI for Respondent No(s).: 1,2.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 23/08/2005

ORAL JUDGMENT

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1. The petitioner by way of this petition has prayed that respondent no. 2 be directed to decide the application being Permission Application No. 35/87.

2. The short facts of the case are that, the

petitioner was working as Conductor with the Gujarat State Road Transport Corporation (for short, 'GSRTC'). On 13.12.1985 when the petitioner was on duty, the bus was checked by the checking staff, and the squad found certain irregularities in the issuance of tickets. Therefore, charge sheet was issued to the petitioner and thereafter disciplinary proceedings were initiated. On conclusion of the departmental inquiry on 2.2.1987, a show cause notice was served upon him on 2.3.1987, to which, he replied. At the time of passing the dismissal order, one strike notice dated 21.2.1987 in respect of the industrial dispute which was pending before the Conciliation Officer at Godhra being Conciliation Case No. 38 of 1987. GSRTC applied for permission under Sec.37(1) of the Industrial Disputes Act, 1947 for dismissing the workman and during the pendency of the said application, the workman was put under suspension vide order 30.10.1987. In the suspension order, it was mentioned that during the pendency of the said proceedings, the workman was entitled to get ¼ salary as per the Rules of GSRTC. The Conciliation Officer rejected the application on 8.8.1988 holding that the workman was entitled to reinstatement with full back wages. The said order was challenged by GSRTC by filing Special Civil Application No. 7196 of 1988, which came to be decided on

20.3.1991 by this Court by giving certain directions to the Conciliation Officer to decide to issue of suspension allowance as per the Rules of GSRTC. On the matter being remanded, the workman submitted the written submissions claiming full back wages. Since the said matter was not heard for three years, the workman preferred this petition.

3. I have heard the learned advocates for the parties and have perused the materials produced on record. While admitting this matter on 28th April, 1994 this Court, by way of ad-interim relief directed the Conciliation Officer to decide the application on or before 25.7.1994. Further it has been submitted that the workman has reached the age of superannuation.

4. In that view of the matter, considering the workman to be continuous in service, as if he is reinstated, he will be entitled to all consequential benefits from the date of suspension till the date of retirement pursuant to the order dated 11th September, 1995 and GSRTC will pay all benefits and dues to the workman as if he was in service within a period of three months from the date of receipt of writ of this Court. The petition stands disposed of accordingly. Rule is made

absolute with no order as to costs.

[K.S. JHAVERI, J.]

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